

522

PATENT
DON01 P-872

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group : 2872
Examiner : M. Sikder
Applicants : Kenneth Schofield et al.
Serial No. : 09/227,344
Filing Date : January 8, 1999
For : VEHICLE CONTROL SYSTEM AND METHOD
Batch No. : A76

Attention: Charles Steven Brantley, Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
AUG 03 2001
OFFICE OF PETITIONS

Dear Sir:

CERTIFICATE OF HAND DELIVERY

The following documents have been hand-delivered to the United States Patent and Trademark Office:

1. REQUEST FOR RECONSIDERATION OF PETITION (2 pgs.);
2. SUPPLEMENTAL DECLARATION OF FREDERICK S. BURKHART UNDER M.P.E.P. § 711.03 (2 pgs.);
3. DECLARATION OF HOWARD S. GREENBERG UNDER M.P.E.P. § 711.03, including MASTER DOCKET LIST (3 pgs.); and
4. TRANSMITTAL OF CORRECTED FORMAL DRAWINGS (1 pg.) together with 25 sheets of corrected formal drawings (in duplicate).

FSB/djr
DON01 P-872

P A T E N T
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Dear Sir:

REQUEST FOR RECONSIDERATION OF PETITION

This is in response to the action (Paper No. 21) mailed July 25, 2001, in the above-identified application. The recent Office Action stated that the petition will be treated as a petition under 37 C.F.R. 1.181 and will be considered upon submittal of the following:

- A. A Declaration that a search of the file jacket has been made;
- B. A copy of the printout of the Master Docket intended to accompany the Declaration of Howard S. Greenberg;
- C. New formal drawings.

Enclosed herewith is a Supplemental Declaration of Frederick S. Burkhart stating that the prosecution file jacket for the subject application was in his possession at the time of the alleged mailing of the Notice of Allowance and Notice of Allowability and that he has searched the file jacket and has not located a Notice of Allowability or a Notice of Allowance.

Also, enclosed is the original of the Declaration of Howard S. Greenberg, including a printout of the Master Docket of the firm of Fitzpatrick, Cella, Harper & Scinto attached thereto.

Also, enclosed are new formal drawings.

Applicants : Kenneth (NMI) Schofield et al.
Serial No. : 09/227,344
Page : 2

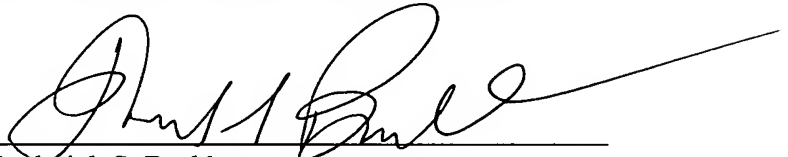
It is requested that Applicants' previously submitted petition be reconsidered in light of the additional documents submitted herein. A notice to that effect is earnestly solicited. If Petitions Attorney Steven Brantley has any additional questions or reservations, it is requested that the Petitions Attorney call the undersigned attorney.

Respectfully submitted,

KENNETH SCHOFIELD ET AL.

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Date: August 2, 2001.



Frederick S. Burkhart
Registration No. 29 288
2851 Charlevoix Drive, S.E., Suite 207
Post Office Box 888695
Grand Rapids, Michigan 49588-8695
(616) 975-5500

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Attention: Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

SUPPLEMENTAL DECLARATION OF FREDERICK S. BURKHART

UNDER M.P.E.P. § 711.03

I, Frederick S. Burkhardt, declare and say that:

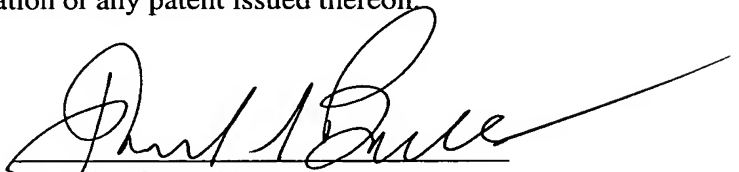
1. I am presently the attorney of record in the above-identified application. Responsibility for prosecution of the application was transferred to this firm immediately prior to December 21, 2000. Along with responsibility for prosecution of this application, I was provided the prosecution file jacket for the application. Therefore, the prosecution file jacket has been in my possession from a time prior to the alleged mailing of the Notice of Allowability and Notice of Allowance.

2. I have conducted a search of the prosecution file jacket. I have not located a Notice of Allowability nor a Notice of Allowance, other than copies that were obtained by me from Patent Office records by my Washington associate for the purpose of preparation of the above-identified petition.

Applicants : Kenneth Schofield et al.
Serial No. : 09/227,344
Page : 2

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and, further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated: August 2, 2001.



Frederick S. Burkhardt
Registration No. 29 288
Van Dyke, Gardner, Linn
& Burkhardt, LLP
2851 Charlevoix Drive, S.E., Suite 207
Post Office Box 888695
Grand Rapids, Michigan 49588-8695
(616) 975-5500

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Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLARATION OF HOWARD S. GREENBERG
UNDER M.P.E.P. § 711.03

Sir:

I, Howard S. Greenberg, declare and say that:

1. I am Docketing Manager of the law firm of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112-3801. My responsibilities include docketing the receipt of documents from the Patent and Trademark Office, maintaining records of such documents and periods for response thereunder. All communications from the Patent and Trademark Office are directed to me immediately upon receipt within the firm.

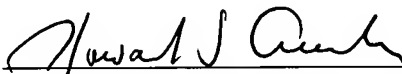
2. When I receive a communication from the Patent and Trademark Office, I calculate and enter in a computerized Master Docket, the date upon which a response to such Patent and Trademark Office communication is due. I then forward the communication to an attorney within the firm who is responsible for handling the matter.

3. I understand in the above-identified application, a Notice of Abandonment bearing a mailing date of May 23, 2001 stated that the subject application was abandoned due to Applicant's failure to pay the issue fee in response to a Notice of Allowance reportedly mailed on January 17, 2001. However, as reflected in the attached printout from the Master Docket, our records indicate that no Notice of Allowance was received by our office.

4. Our records indicate that responsibility for the file was transferred to a different firm and it is my understanding that the new firm filed a response to the second office action resulting in the above-referenced Notice of Allowance. After a search of the docket records, I conclude that the Notice of Allowance reportedly mailed on January 17, 2001 was never received by our firm.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: July 17, 2001


Howard S. Greenberg

RECEIVED

Date: 07/09/01
Time: 11:40:51

Master List
By Case Number

Page: 1

AUG 03 2001

Case Number	Client	Atty	Assignee	OFFICE OF PETITIONS	Disclosure Status
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690.2200PC	DONNL	RPB	DONNELLY CORPORATION		Active
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Title: AUTOMATIC REAR VIEW MIRROR AND VEHICLE INTERIOR MONITORING
SYSTEM USING A PHOTOSENSOR ARRAY

Product: Client Reference:
Origin: USA Priority Applic. #: 08/023918 File Date: 02/26/93

Ctry	Sub Case No.	Type Case	Status	Appln No/ Filing Date	Patent No./ Issue Date	Agent/ Agent Ref.	Tax Schedule/ Paid Thru
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USA	2	CON	TRANSFERED	09/227344 01/08/99			NL
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Remarks: #2872; (690.2200PCT/CIP/C) 1.53B CONT; TRANSFERRED PER BCH
TELCOM W/F BURKHARDT OF VGLB 011601

Action Due	Due Date	Response Sent	Date Sent	Method Sent	Receipt Recvd Date
01		1.53B CONT	01/08/99	HND PR RPB	yes 01/08/99
02		W/TRU COPY	01/08/99	HND PR RPB	yes 01/08/99
03		W/FML DWGS	01/08/99	HND PR RPB	yes 01/08/99
04 RESP OA+3X	03/09/00	AMEND/PET	03/09/00	HND PR JAB	yes 03/09/00
05 DWG CORR	11/11/11				
06 RESP R/E	06/17/00	RESP R/E	06/19/00	HND PR JAB	yes 06/19/00
07 RESP OA+3X	01/14/01	TRANSFERRD	01/16/01	AS PER BCH	no
08 POWER REVOKED	06/22/01				

Inventor(s)

SCHOFIELD, K
LARSON, M